

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

<b>ANDREW GROSS III,</b>	:	<b>CIVIL NO. 1:15-CV-1529</b>
	:	
<b>Petitioner</b>	:	<b>(Chief Judge Conner)</b>
	:	
<b>v.</b>	:	
	:	
<b>MICHAEL D. CARVAJAL,</b>	:	
	:	
<b>Respondent</b>	:	

**ORDER**

AND NOW, this 20th day of May, 2016, upon consideration of petitioner's motion (Doc. 25) for appointment of counsel, see 18 U.S.C. § 3006A(a)(2) (Whenever . . . the court determines that the interests of justice so require, representation may be provided for any financially eligible person who . . . is seeking relief under [28 U.S.C.] section 2254 . . .), and it appearing that the claims of the petition for writ of habeas corpus, and supplement thereto, do not present complex legal or factual issues, see id. (remarking on wide discussion of issues), and, it further appearing that petitioner is capable of properly and forcefully prosecuting his claims with adequate factual investigation and appropriate citations to governing authority, see Reese v. Fulcomer, 946 F.2d 247, 263 (3d Cir. 1991) (identifying merit and complexity of petitioner's claims as factors in whether to appoint counsel); Blasi v. Attorney Gen., 30 F. Supp. 2d 481, 489 (M.D. Pa. 1998) (citing Tabron v. Grace, 6 F.3d 147, 155-57 (3d Cir. 1993)), aff'd, 275 F.3d 33 (3d Cir. 2001), and the court finding that the interests of justice do not require the

appointment of counsel for petitioner at this stage of the proceedings, see 18 U.S.C. § 3006A(a)(2), and upon further consideration of petitioner's request to expand the record, and upon review of the exhibits (Doc. 25-1) submitted by petitioner, it is hereby ORDERED that:

1. The motion (Doc. 25) is GRANTED in part and DENIED in part, as follows:
  - a. The request to expand the record is GRANTED. The exhibits attached to petitioner's motion (Doc. 25-1) are accepted as filed.
  - b. The request for appointment of counsel is DENIED. If the court determines that an evidentiary hearing should be held or if further proceedings otherwise demonstrate the need for counsel, the matter will be reconsidered either *sua sponte* or upon motion of petitioner.

/S/ CHRISTOPHER C. CONNER

Christopher C. Conner, Chief Judge  
United States District Court  
Middle District of Pennsylvania